

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN MICHAEL RYAN, #787263,

Plaintiff,

v.

CASE NO. 2:19-cv-12286

HON. VICTORIA A. ROBERTS

MICHIGAN DEPARTMENT OF
CORRECTIONS, STATE OF MICHIGAN,
WARDEN LINDSEY, DEPUTY WARDEN
KISOR, LIBRARY SUPERVISOR ELUM,
ASSISTANT RESIDENT UNIT SUPERVISOR
PATZIKA,¹ KATHLEEN PULLARD,² and
RESIDENT UNIT SUPERVISOR COREY-STRIKER,

Defendants.

/

**ORDER DIRECTING PLAINTIFF TO SUBMIT COPIES
OF HIS AMENDED COMPLAINT TO THE CLERK OF COURT
AND DIRECTING THE CLERK OF COURT TO AMEND THE DOCKET**

On August 2, 2019, Plaintiff Sean Michael Ryan, a state prisoner in the custody of the Michigan Department of Corrections, filed a *pro se* civil rights complaint (ECF No. 1) and an application to proceed without prepaying the fees and costs for this action (ECF No. 2). On August 26, 2019, Plaintiff filed a motion to

¹ Plaintiff also refers to this defendant as “Patizika.” *See* Am. Compl., ECF No. 6, PageID.153.

² Plaintiff also refers to this defendant as “Kathleen Pulford.” *See* Am. Compl. ECF No. 6, PageID.157.

amend the complaint (ECF No. 5) and an amended complaint (ECF No. 6). The amended complaint added three defendants to the case, and it alleged that the defendants violated Plaintiff's right of access to the courts by denying his requests for a memory typewriter or a laptop and printer, large amounts of typing and carbon paper, and copies of his medical records. Plaintiff also alleged that the defendants retaliated against him for the administrative grievances that he filed and subjected him to unnecessary pain and suffering by preventing him from filing a complaint about his medical condition. He sought declaratory, injunctive, and monetary relief.

United States District Judge Arthur J. Tarnow denied Plaintiff's application to proceed without prepaying the fees and costs (ECF No. 7) and summarily dismissed the complaint under 28 U.S.C. § 1915(g) because Plaintiff failed to prepay the filing fee and did not appear to be under imminent danger of serious physical injury. (ECF No. 11). Judge Tarnow denied as moot the motion to amend the complaint. *Id.*

Plaintiff appealed the dismissal of his case, and on December 8, 2020, the United States Court of Appeals for the Sixth Circuit vacated the District Court's judgment. The Court of Appeals remanded the case with instructions to grant Ryan IFP status, allow him to renew his motion to amend his complaint, and to proceed to the merits of his claims. (ECF No. 23).

On remand, Judge Tarnow re-opened the case, granted Plaintiff's application to proceed without prepaying fees and costs, and allowed Plaintiff to renew his motion to amend the complaint. (ECF No. 25.) Judge Tarnow then disqualified himself, and the Clerk of Court randomly reassigned the case to me. (ECF No. 26.)

Plaintiff subsequently moved to renew his motion to amend the complaint. (ECF No. 27.) On March 22, 2021, I granted Plaintiff's renewed motion to amend his complaint, and I dismissed the G. Robert Cotton Correctional Facility and defendant Hemry from the case. (ECF No. 28.) The case is now ready for service of the amended complaint on the remaining defendants.

Because Judge Tarnow permitted Plaintiff to proceed without prepaying the fees and costs for this action, the Court must order the United States Marshal to serve the amended complaint on the defendants. *See* Fed. R. Civ. P. 4(c)(3). Plaintiff, however, is responsible for "furnish[ing] the necessary copies to the person who makes service," Fed. R. Civ. P. 4(c)(1); *Baaghil v. Miller*, 396 F. Supp.3d 776, 777 (E.D. Mich. 2019), and Plaintiff did not provide the Clerk of Court with any copies of his amended complaint to give the Marshal for service on the defendants.

Accordingly, the Court **ORDERS** Plaintiff to provide the Clerk of Court with eight identical copies of his amended complaint and the exhibits attached to the amended complaint. Failure to do so within 45 days could result in the dismissal of this case for want of prosecution.

The Court **ORDERS** the Clerk of Court to amend the docket to show that the Court dismissed the G. Robert Cotton Correctional Facility as a defendant on March 22, 2021. In addition, the defendant listed as “Cory-Striker” appears to be a duplicate listing for the defendant mentioned in the amended complaint as “Corey-Striker.” Accordingly, the Clerk of Court shall amend the docket to delete the defendant listed as “Cory-Striker.”

SO ORDERED.

s/ Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Date: 6/22/2021